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TO

Amend the Supreme Court of Judicature Act (Ireland), 1877, so far as relates to certain Judges; and to the office of the Accountant-General; and for other purposes connected therewith.

A.D. 1888.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 1.—(1.) On the occasion of the first vacancy after the passing of this Act in the office of judge of the Courts of Probate and for Matrimonial Causes and Matters, the vacancy shall not be filled, and the rank and title of judge of the Courts of Probate and for Matrimonial Causes and Matters shall be abolished, and the Probate and Matrimonial Division shall be united and consolidated with the Queen's Bench Division of the High Court.
- (2.) On such union and consolidation of the Probate and Matrimonial Division with the Queen's Bench Division, all causes and matters which may be then pending in that division shall be transferred to the Queen's Bench Division, and all proceedings of every kind which may be then pending in any such causes or matters shall be continued, carried on, and completed in the Queen's Bench Division in the same manner in all respects as they would have been in the Probate and Matrimonial Division if the said division had not been consolidated and united with the Queen's Bench Division as aforesaid.
- (3.) All causes, matters, and other proceedings which, by or under the Supreme Court of Judicature Act (Ireland), 1877, or any Act amending the same, or any rule or order made pursuant thereto, have been or are assigned to the division so united and consolidated with the Queen's Bench Division as aforesaid, shall be assigned to the Queen's Bench Division.

Abolition of
the Probate
and Matrimonial
Division.
40 & 41 Vict.
c. 57, s. 36.

40 & 41 Vict.
c. 57.

[Bill 131.] +

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A.D. 1888. — been taken or had respectively in the division so united and consolidated as aforesaid, shall be taken and had in the Queen's Bench Division of the said High Court of Justice.

(5.) All such causes, matters, and proceedings, other than trials, may, subject to Rules of Court, be ordinarily transacted and disposed of by or under the direction of a judge of the Queen's Bench Division.

Salary of
Lord
Chancellor.

2. When next after the *passing of this Act*, a vacancy happens in the office of Lord Chancellor of Ireland the salary of the office shall be reduced to the yearly sum of *six thousand pounds*. 10

Court of
Bankruptcy.

3. No successor shall be appointed to either of the existing judges of the Court of Bankruptcy. On the occasion of the first vacancy among them, the remaining judge may alone do anything which might previously be done by both the judges.

(1.) When a vacancy occurs in the office of whichever of the two existing judges of the court continues longest in office the court shall be united and consolidated with the Supreme Court of Judicature, and all the jurisdiction vested in and capable of being exercised by the judges of the said court or one of them, and all causes and proceedings then pending in the court shall be transferred to the High Court of Justice. 15

(2.) For the purposes of this union, consolidation, and transfer, and of all matters incidental thereto and consequential thereon, and with respect to the making of Rules of Court, the Supreme Court of Judicature Act (Ireland), 1877, as amended by subsequent Acts, shall, subject to the provisions of this Act, have effect as if the union, consolidation, and transfer had been effected by that Act, except that all expressions referring to the time appointed for the commencement of that Act shall be construed as referring to the date of such union, consolidation, and transfer, and, subject as aforesaid, this Act and the said above-mentioned Acts shall be read and construed together. 20 30

40 & 41 Vict.
c. 57.

Transaction
of bank-
ruptcy
business by
the High
Court.

4.—(1.) Subject to Rules of Court, and to orders of transfer made under the authority of the Supreme Court of Judicature Act (Ireland), 1877, and the Acts amending it,— 35

(a.) All matters pending in the Court of Bankruptcy at the time when the court is united and consolidated with the Supreme Court; and

(b.) All matters which would have been within the exclusive jurisdiction of the Court of Bankruptcy, if this Act had not been passed; 40

shall be assigned to such Division of the High Court as the Lord Lieutenant may from time to time direct.

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(2.) All such matters shall, subject as aforesaid, be ordinarily transacted and disposed of by or under the direction of one of the judges of the High Court, and the Lord Lieutenant may from time to time assign for that purpose a judge of the High Court being a judge appointed after the *fifteenth day of July one thousand eight hundred and eighty-seven*, or who shall consent to be so assigned.

Provided that during vacation, or during the illness of the judge so assigned, or during his absence, or for any other reasonable cause, such matters, or any part thereof, may be transacted and disposed of by or under the directions of any judge of the High Court nominated for that purpose by the Lord Lieutenant.

(3.) During the interval between the occurrence of the first vacancy among the judges of the Court of Bankruptcy after the passing of this Act and the union and consolidation of the court with the Supreme Court, the Lord Lieutenant may from time to time, if necessary, direct that any of the duties previously performed by the judge in whose office the vacancy exists shall be discharged by or under the directions of any judge or judges of the High Court appointed after the *fifteenth day of July one thousand eight hundred and eighty-seven*, or who shall consent thereto, whom the Lord Lieutenant may nominate and assign for that purpose.

(4.) Appeals in bankruptcy matters shall lie to the Court of Appeal in the same manner and in respect to the same proceedings as before the union and consolidation of the Court of Bankruptcy with the High Court.

(5.) Subject to the provisions of this Act, the officers, clerks, and subordinate persons who are, at the union and consolidation of the Court of Bankruptcy with the High Court, attached to the Court of Bankruptcy, and their successors, shall be officers of the Supreme Court of Judicature, and shall be attached to the High Court; and the offices in bankruptcy shall be amalgamated with the offices in the division to which the bankruptcy business is assigned, by Rules of Court.

(6.) Subject to Rules of Court, all bankruptcy matters shall be entitled "In bankruptcy."

5. Subject to the provisions of this Act and to Rules of Court the judge of the High Court exercising jurisdiction in bankruptcy may exercise in Chambers the whole or any part of his jurisdiction.

Exercise in
chambers of
High Court
jurisdiction.

A.D. 1888.

Court of
Admiralty.
40 & 41 Vict.
c. 57

6. When under the enactments contained in the ninth section of the Supreme Court of Judicature Act (Ireland), 1877, the Court of Admiralty is united and consolidated with the Supreme Court, all causes and matters then pending in the High Court of Admiralty, and all causes and matters which would have been within the jurisdiction of the court if it had not been so united and consolidated, shall be assigned to the Queen's Bench Division of the High Court.

So much of the ninth section of the Supreme Court of Judicature Act (Ireland), 1877, as makes provision for the transfer of the jurisdiction of the Court of Admiralty to a judge of the Probate and Matrimonial Division, shall be and is hereby repealed.

The power conferred by the said section upon the Lord Lieutenant by order to nominate a judge of the High Court in whom the jurisdiction vested in and capable of being exercised by the judge of the Court of Admiralty shall be vested and by whom it may be exercised, shall apply on the occasion of the union and consolidation of the said Court of Admiralty with the Supreme Court, and from time to time.

Rights of
officers.

7.—(a.) An officer attached to the Queen's Bench Division of the High Court at the time of the *passing of this Act* shall not be required to discharge any duties, in relation to the Probate or Bankruptcy or Admiralty jurisdiction transferred by this Act, which are not either the same as or similar or analogous to those which he performed immediately before the transfer; and in case of question as to the duties proposed to be imposed upon an officer being similar or analogous, the Lord Chancellor shall decide, having regard to the rank and position previously held by such officer.

(b.) No person appointed after the *passing of this Act* to any office connected with the Supreme Court, shall have any statutory right of succession or promotion to any other office or appointment, any enactment to the contrary notwithstanding.

Office of the
Accountant-
General.

8.—(1.) The Lord Chancellor, with the concurrence of the Treasury, may from time to time make rules for regulating the procedure for giving effect to the orders of the Supreme Court, and all courts and divisions thereof, with regard to the payment, transfer, or deposit into or in or out of court of money, securities, or property, or to the dealing therewith, and may, with the like concurrence, at any time revoke or alter any such rules; provided that any rules made for the said purpose which may be in force at the time of the *passing of this Act* shall (subject to the

provisions of this section) remain in force until revoked or varied under the powers herein given. A.D. 1898.

(2.) The books and accounts in the office of the Accountant-General shall be kept in such manner as the Treasury may from time to time prescribe or approve, and the distribution of the business in the said office and the regulations for the attendance of the officers and clerks shall be such as may from time to time be prescribed by or under the authority of the Treasury.

(3.) Whenever the existing Accountant-General shall cease to hold his office, and whenever any vacancy occurs in the office of any clerk or other officer of the Accountant-General's Department, the appointment or promotion to such vacant office, and all subsequent appointments or promotions thereto, shall be made by approval of the Treasury, and the rank and salary of any person so appointed or promoted shall be such as the Treasury may from time to time determine. Any person so appointed may be removed by the Treasury.

(4.) Any provisions of the Supreme Court of Judicature Act (Ireland), 1877, inconsistent with this section are hereby repealed. 40 & 41 Vict. c. 57.

9. An annual account shall be prepared by the Accountant-General in such form and made up to such date as may be prescribed by the Treasury, showing the total amount of funds paid or transferred into and out of court in the period to which such account relates, and the balances of the funds in court at the commencement and close of such period, and the said account shall be laid before Parliament within three months of the close of the period to which it relates, if Parliament be then sitting, and if not sitting, then within fourteen days after Parliament shall be next assembled. Annual account of the Accountant-General.

10. All Rules of Court to be made after the passing of this Act, under and for the purposes of the Supreme Court of Judicature Act (Ireland), 1877, or any Act amending the same, shall be made by any three or more of the following persons, of whom the Lord Chancellor shall be one; namely, the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Baron of the Exchequer, and three, or after the occurrence of a vacancy in the office of Lord Chief Baron, four other judges of the Supreme Court to be from time to time appointed by the Lord Chancellor, by writing under his hand, such appointment to continue for such time as shall be specified therein, and all such Rules of Court shall be laid before Parliament, and shall be subject to be annulled in the manner provided by the sixty-ninth section of the Supreme Court of Judicature Act (Ireland), 1877. Rules of Court, amendment of 40 & 41 Vict. c. 57. s. 61.

A.D. 1886. There shall be repealed so much of the sixty-first section of the said Act, relative to the mode of making Rules of Court, as is inconsistent with this section.

Power to
make Orders
in Council.

11. The Lord Lieutenant may from time to time, on the occasion of the union and consolidation of the Probate and Matrimonial Division with the Queen's Bench Division, or of the Court of Bankruptcy, or of the Court of Admiralty with the Supreme Court, or on the occasion of the transfer of the jurisdiction of the Judicial Commissioner of the Irish Land Commission to the High Court, by Order in Council, give such directions as may appear to him necessary and proper for carrying such union, consolidation, or transfer into effect, and may by such order make provision for any matters and things incidental thereto. 5 10

Interpreta-
tion.

40 & 41 Vict.
c. 57.

12. Unless there is something in the context repugnant thereto terms and expressions used in this Act shall have the same meanings respectively as in the Supreme Court of Judicature Act (Ireland), 1877; and the last-mentioned Act and this Act shall be construed together. 15

Short title.

13. This Act may be cited as the Supreme Court of Judicature (Ireland) Amendment Act, 1886.

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Supreme Court of
Judicature (Ireland)
Amendment.

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To amend the Supreme Court of
Judicature Act (Ireland), 1877, as
far as relates to certain Judges; and
to the office of the Accountant-
General, and for other purposes
connected therewith.

*(Prepared and brought in by
Mr. Arthur Sullivan, Mr. Solicitor-General for
Ireland, and Colonel Sir John Russell.)*

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